

**IN THE IOWA DISTRICT COURT IN AND FOR APPANOOSE COUNTY**

STATE OF IOWA

CITY/COUNTY OF CENTERVILLE

vs.

NAME: Heather Dawn Huebner

DOB: 10/17/72 ID# 640WW2693

ADDR: 22717 555<sup>th</sup> St

CITY: Exline ST: IA ZIP 52555

Agency Case No. 11-002211

Before Magistrate

Criminal Number

**FECR006159**

**COMPLAINT AND AFFIDAVIT**

THE DEFENDANT is accused of the crime of Neglect or Abandonment of a Dependant Person

A Class C-Felony

in violation of Section 726.3

in that the defendant on or about the 15th day of February, 20 11 of the Iowa Criminal Code/ 2011  
 at Mercy- Centerville Emergency Department, One St. Joseph's Drive Centerville, IA, (at approximately 3:00 o'clock A .M.)  
 in APPANOOSE County, did willfully deprive her minor child (K.H. age 12) of necessary health care, after K.H. was a victim of inappropriate sexual contact by a male juvenile. To Wit; defendant refused trained medical personnel from conducting an appropriate and necessary physical exam on her child despite knowing the risks her daughter faces after possibly having unprotected sexual intercourse.

THEREFORE, Complaint requests that said Defendant, subject to bail or conditions of release where applicable.

- ☐ (1) Be arrested or that other lawful steps be taken to obtain Defendants appearance in court; or
- ☐ (2) Be detained; if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.
- ☒ (3) Request that a court summons be personally served upon the defendant requiring appearance in court.

Complainant

*Kenneth Reist*

Signature of Complainant

**AFFIDAVIT**

STATE OF IOWA, County of APPANOOSE ss:

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.

On 02/15/11, at approximately 2:30 AM, the defendant transported her 12 year old daughter, K.H. to Mercy-Centerville's Emergency Department for a necessary and appropriate evaluation and physical exam as standard follow-up procedure for an alleged victim of sexual abuse. Upon arriving at the ED, Dr. Steve Goldman conducted an initial interview with the defendant, her husband, and her daughter. Dr. Goldman briefed both the defendant and her husband in great detail what the physical exam would entail in addition to what things were necessary to complete the "sexual abuse kit" that I had requested on their daughter. Against the child's own father's wishes and that of the ED staff, the defendant refused to allow any of the medical professionals working in the ED to physically examine her daughter.

Through my extensive training and experience as a uniformed Officer for the Centerville PD, and as a trained and Nationally Certified EMT-I, I believed the exam was necessary. Not just as a collection process for potential evidence in the aforementioned sexual abuse investigation, but also as a precautionary medical procedure designed to detect dangerous, (both life changing and/or life threatening), S.T.D's transmitted through unprotected sexual intercourse. The defendant went so far as to suggest that Dr. Goldman lie to her husband, (and possibly to myself), by stating that the exam had been completed on her daughter as requested. The defendant then voluntarily left the ED with her husband and daughter without having provided her daughter the necessary medical examination.

I swear that the forgoing complaint is true and correct.

*Kenneth Reist*  
(signature)

Signature of Affiant

Agency CPD

Subscribed and

sworn to before me by

*Kenneth Reist*

at Centerville

Iowa this 17 day of February 2011.

(signature) Notary/Other

Complaint and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

Original To Court: Copy To: Defendant: \_\_\_\_\_ County Attorney: \_\_\_\_\_



*Mickie Casteel*

Magistrate



**IN THE IOWA DISTRICT COURT IN AND FOR APPANOOSE COUNTY**

STATE OF IOWA

CITY/COUNTY OF CENTERVILLE

vs.

NAME: Heather Dawn Huebner

DOB: 10/17/72 ID# 640WW2693

ADDR: 22717 555<sup>th</sup> St

CITY: Exline ST: IA ZIP 52555

Agency Case No. 11-002211

Before Magistrate

Criminal Number **FECR006159**

**COMPLAINT AND AFFIDAVIT**

**Count II**

THE DEFENDANT is accused of the crime of Child Endangerment

An Aggravated Misdemeanor

in violation of Section 726.6(1a)

of the Iowa Criminal Code/ 2011

in that the defendant on or about the 15th day of February, 2011, (at approximately 3:00 o'clock A.M.)

at Mercy- Centerville Emergency Department, One St. Joseph's Drive Centerville, IA

in APPANOOSE County, did willfully deprive her minor child (K.H. age 12) of necessary health care, after K.H. was a victim of inappropriate sexual contact by a male juvenile. To Wit; defendant denied trained medical personnel from conducting an appropriate and necessary physical exam on her child despite knowing the risks her daughter faces after possibly having unprotected sexual intercourse.

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Complainant

Signature of Complainant

**AFFIDAVIT**

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I swear that the forgoing complaint is true and correct.

sworn to before me by Kenneth Reistrolfer at Centerville Iowa this 17 day of February 2011.

(signature)

Notary/Other

Signature of Affiant

Agency CPD

Subscribed and

Complaint and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

Original To Court: Copy To: Defendant: \_\_\_\_\_ County Attorney: \_\_\_\_\_



**MICKIE CASTEE**  
Commission Number 75913  
MY COMMISSION EXPIRES 07/14/12

Magistrate

*Julie A. Vries*

IN THE IOWA DISTRICT COURT FOR APPANOOSE COUNTY

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|                       |   |                         |
|-----------------------|---|-------------------------|
| STATE OF IOWA,        | : | CRIMINAL NO. FECR006159 |
| Plaintiff,            | : |                         |
| v.                    | : |                         |
| HEATHER DAWN HUEBNER, | : | MOTION FOR BILL OF      |
| Defendant.            | : | PARTICULARS             |

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COMES NOW defendant, Heather Dawn Huebner, pursuant to Iowa Rule of Criminal Procedure 2.11(5), and for her Motion for Bill of Particulars states the following:

1. Defendant, Heather Huebner, is charged with the crimes of Count 1, Neglect or Abandonment of a Dependent Person, a class C Felony, in violation of Iowa Code § 726.3; and Count 2, Child Endangerment, an aggravated misdemeanor, in violation of Iowa Code § 726.6(1)(a).

2. According to Count 1 of the Trial Information, Ms. Huebner is accused of Neglect or Abandonment of a Dependent person by "knowingly or recklessly exposing K.H. to hazard or danger against which K.H. cannot be reasonably expected to protect herself." According to Count 2 of the Trial Information, Ms. Huebner is accused of Child Endangerment, in that she is alleged to have "knowingly acted in such a manner that creates a substantial risk to a child or minor's physical or mental health or safety."

3. The Minutes of Testimony do not fairly identify the particular “hazard or danger” that defendant is alleged to have exposed K.H. to under Count 1, nor does it sufficiently identify the particular act that defendant is alleged to have committed that created a “substantial risk” to K.H.’s physical or mental health or safety nor does it identify the “substantial risk” that the state alleged was created.

4. Additionally, the minutes of testimony allege that Ms. Huebner failed to provide her daughter with “necessary medical examination” but does not identify what the “necessary medical examination” is alleged to be.

5. In order to fairly enable Defendant to prepare a defense to the charges, Defendant respectfully requests that the Court enter an order requiring the State to identify with particularity the following:

- A. The particular “hazard or danger” that defendant is alleged to have exposed K.H. to;
- B. The particular act that defendant is alleged to have committed that created a “substantial risk” to K.H.’s physical or mental health or safety;
- C. The “substantial risk” that the state alleged was created;
- D. The “necessary medical examination” alleged not to have been provided;
- E. The specific factual basis supporting (A) – (D).



WHEREFORE, Defendant requests hearing on his motion, and upon hearing, respectfully requests that his Motion for Bill of Particulars, be granted.

RESPECTFULLY SUBMITTED

Gourley, Rehkemper & Lindholm, PLC,



By: Robert G. Rehkemper, AT0006553

303 Locust, Suite 200

Des Moines, Iowa, 50309

Phone: 515-226-0500

Fax: 515-244-2914

ATTORNEY FOR DEFENDANT

ORIGINAL FILED

Copies to:

Appanoose County Attorney

| CERTIFICATE OF SERVICE                                                                                                                                                                                                          |                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on <u>3-28-2011</u> . |                                                                                                                                    |
| By:                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> U.S. Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> Certified Mail |
|                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> FAX<br><input type="checkbox"/> Overnight Courier<br><input type="checkbox"/> Other            |
| Signature                                                                                                                                                                                                                       | <u>Melissa Helph</u>                                                                                                               |